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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,884	01/10/2001	Nelson Chow	26734-0005US	8435

7590 06/10/2004  
Acute Communications Corporation  
1962 Zanker Road  
San Jose, CA 94112

EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 06/10/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/758,884

Applicant(s)

CHOW ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on the application filed 1/10/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-38 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 2-6, 8-12, and 14-18 are objected to because of the following informalities:

Claim 2, line 9, "packet memory" seems to refer back to "packet memory" in line 5. If this is true, it is suggested to change "packet memory" to ---said packet memory---.

Claim 8, line 9, "packet memory" seems to refer back to "packet memory" in line 5. If this is true, it is suggested to change "packet memory" to ---said packet memory---.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-18 and 20-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the classification database" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the corresponding offset values" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the corresponding offset values" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 6 recites the limitation "the corresponding offset values" in line 4. There is insufficient antecedent basis for this limitation in the claim. In line 3, it is suggested to change "the complete" to ---a complete---.

Claim 7 is unclear if the claim is a method or an apparatus claim. If the claim is a method claim, the steps of the claim must be clearly specified and if the claim is an apparatus claim, the structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

Claim 9 recites the limitation "the classification database" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the corresponding offset values" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the corresponding offset values" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the corresponding offset values" in line 5. There is insufficient antecedent basis for this limitation in the claim. In line 3, it is suggested to change "the complete" to ---a complete---.

Claim 20 recites the limitation "the classification database" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said user" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 22 recites the limitation "the CAM constraint" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the CAM search key size" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the classification templates" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 27, line 4, "a recordable media" is not a method step. The steps of the claim must be clearly and positively specified.

Claim 28 recites the limitation "the CAM constraint" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "the CAM search key size" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 33, line 2, "method" should change to ---apparatus---.

Claim 34 recites the limitation "the CAM constraint" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the CAM search key size" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 13, 19-23, 27-29, and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller et al (5,938,736).

Regarding claim 1, Muller discloses a method of classifying packet information using CAM, the method comprising: receiving a set of reconfigurable selection criteria from a user wherein the set of selection criteria is limited by CAM constraint (see abstract; col. 2, lines 40-63).

Regarding claims 7 and 13, claims 7 and 13 have substantially the same limitations as claim 1. Therefore, they are subject to the same rejection

Regarding claim 19, Muller discloses a packet classifier system comprising: a CAM controlling hardware that generates a CAM search key based on a set of reconfigurable selection criteria provided by a user and a bit mask generated at run time based on the packet structure of a packet information received; and a packet memory (see abstract; col. 2, lines 40-63; col. 10, line 50-col. 11, line 5).

Regarding claim 20, Muller discloses a router or a switch comprising an integrated circuit containing a CAM controlling hardware which interfaces with an ingress manager by receiving packet information, which interfaces with a CAM to do a search or lookup on a classification database contained in the CAM, which interfaces with an action content database (RAM/Memory) to do a memory read, and which interfaces with an egress manager which sends out packet information (see abstract; figure 6; col. 2, lines 40-63; col. 10, line 50-col. 11, line 5).

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Regarding claims 21-23, Muller discloses a method of enabling a user to reconfigure a router or a switch, the method comprising: providing a user interface wherein the user is able to define a set of reconfigurable selection criteria to determine a CAM search key; receiving the selection criteria; providing information regarding the CMA constraint wherein the CMA constraint is a CAM search key size (see abstract; figure 6; col. 2, lines 40-63; col. 10, line 50-col. 11, line 5; col. 11, lines 36-45).

Regarding claims 27-29, claims 27-29 have substantially the same limitations as claim 1. Therefore, they are subject to the same rejection

Regarding claims 33-35, claims 33-35 have substantially the same limitations as claim 1. Therefore, they are subject to the same rejection

#### ***Allowable Subject Matter***

6. Claims 2-6, 8-12, 14-18, 24-26, 30-32, and 36-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

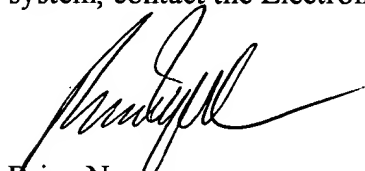
#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Nguyen  
6/3/04